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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,820	08/19/2003	Chao-Wen Chi	10990-US-PA	1819
31561 7	590 12/15/2005		EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			DONELS, JEFFREY	
7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			ART UNIT	PAPER NUMBER
			2837	
			DATE MAILED: 12/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estandards of time raply be available under the provinces of 3°CFR - 136(a), fine event, however, may a raply be timely field Estandard of time raply be available under the provinces of 3°CFR - 136(a), fine event, however, may a raply be timely field If the period for reply specialled above is less than thirty (30) days, a raply within the statutory minimum of thirty (30) days will be considered timely. If the period for reply specialled above is less than thirty (30) days, a reply within the statutory minimum of the period of reply specialled above is less than thirty (30) days, a reply within the statutory minimum of the period of the communication of the period of the peri			Application No.	Applicant(s)			
Jeffrey Donels — The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of terminary be available under the provisions of 3 CFR 1.135(a). In no event, however, may a reply be limitely fled If the period for reply specified above is less than they (30) days, and exply within the statistory minimum of this (30) days will be considered limitely. If the period for reply specified above is less than they (30) days, and exply within the statistory fled of the period for reply specified above is the reply and the thirty (30) days, and an object of the period for reply specified above is the reply and the thirty (30) days, and an object of the period for reply specified above is the reply and the specified period for reply specified above is the reply and the period for reply specified and the problem of the period for the period f	Office Action Summary		10/604,820	CHI, CHAO-WEN			
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1) ⊠ Responsive to communication(s) filed on 27 September 2005. 2a) ဩ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☒ Claim(s) 1-20 [s/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b ☐ objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. Application Papers 9) ☐ The oath or declaration is objected to by the Examiner. Application Papers 9) ☐ The oath or declaration is objected to by the Examiner. Application for declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 						
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Paper No(s)/Mail Date 6) Other:	3) 🔲 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal Pa				

Application/Control Number: 10/604,820

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futamase et al (USPGP 2004/0007120) in view of Swanson (USPGP 2002/0013784).

Futamase discloses a portable telephony apparatus (see paras. 0031 and 0032). Applicant argues that Futamase et al does not explicitly disclose decoding the digital music file via a firmware. Swanson discloses an audio data transmission system which comprises decoding files of various audio data encoding formats with firmware (para. 0043). It would have been obvious to one of ordinary skill in the art to adapt the teachings of Futamase with those of Swanson so as to allow for more efficient playing of audio files. With regard to Claim 9, it is well-known in the art that audio files of different formats have different ID s in their headers identifying the format. This is inherent in the Futamase and Swanson teachings.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taira et al is further cited to show related teachings in the art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aftrey Donels
Primary Examiner
Art Unit 2837